IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24199 of 2004

Between:

Pallakonda Jaya Raju S/o. Prabhudas
Retd., Head Constable,

R/o.D.No.14/690, Gandluru Colony,

Kamalapuram, Kadapa District.

..... PETITIONER

AND

1. The Inspector General of Police

   Southern Sector, Central Reserve

   Police Force, Banjara Hills
   Hyderabad.
2 The Commandant, 5th Battalion,

   Central Reserve Police Force,
   Padmarao Nagar, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents particularly the 2nd respondent in prematurely retiring

the petitioner from service as per the proceedings No.P.III.3/2001 EC-1, dt.25.9.2001 as well as proceedings No.A, IV-I/2003-5-EC-1, dt.4.4.2003 of the 2nd respondent as illegal, unjust, arbitrary, without notice, without enquiry and also non-application of mind and against statutory provisions and consequently set aside the orders passed by the 2nd respondent in his proceedings No.P.III.3/2001-EC-1, Dt.25.9.2001 as well as the proceedings No.AIV-1/2003 -5-EC.1, dt.4.4.2003 and pass such other order or orders.

Counsel for the Petitioner: MR.L.J.VEERA REDDY

Counsel for the Respondents: MRS.R.RAGHAMMA (ADDL. SC FOR CG)

The Court at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 24199 of 2004

ORDER:

Heard both sides.

2. Smt.R.Raghamma, the learned Additional Standing Counsel appearing for the respondents, opposed the writ petition on the ground that the petitioner has already filed an appeal before the 1st respondent-Inspector General of Police, Hyderabad and the said appeal is said to be pending.

3. As seen from the record, it is made clear that the petitioner has filed an appeal before the 1st respondent and the same is pending. But, the petitioner, Instead of pursuing his remedies at the 1st respondent, filed the present writ petition. With regard to the same issue, involved in the appeal as well as in the writ petition, two

proceedings cannot be entertained.

4. Therefore, the writ petition is disposed of with a direction to the 1st respondent to pass appropriate orders on the said appeal filed by the petitioner within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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December 27, 2004

Kvr

TO

1. The Inspector General of Police

   Southern Sector, Central Reserve

   Police Force, Banjara Hills
   Hyderabad.

2 The Commandant, 5th Battalion,

   Central Reserve Police Force,
   Padmarao Nagar, Secunderabad.

3 Two C.D. Copies.